

5,508,334; 5,475,890; 5,336,708; 5,334,222; 5,324,222; 5,262,468; 5,260,371; 5,239,723; 5,153,254; 4,618,213; and 4,369,284. [However, some of those later Chen patents appear to be anticipated by U.S. Patent No. 5,994,450, and some of the earlier Chen patents appear to be anticipated by U.S. Patent No. 3,827,999 by inventor Ronald Crossland.] U.S. Pat. No. 5,994,450 is believed to be the first to disclose a styrene ethylene-butylene ethylene-propylene styrene gel, and U.S. Pat. No. 3,827,999 by inventor Ronald Crossland appears to be the first to disclose an SEBS gel. Another gel that is available is called "J-SOFT", a pelleted injection molding material offered by ATP, a division of Newgrange Company in Rhode Island.

## REMARKS

The amendment does not introduce any new matter into the specification.

As written, this paragraph of the specification could be construed to be a comment regarding the validity of patents of another person in contravention of MPEP 608.01(r). Although it was not intended as such, the possibility for confusion or misinterpretation in this regard necessitates an amendment to the specification.

Replacement and marked up copies of the paragraph in question are attached.

Respectfully submitted this 27<sup>th</sup> day of December, 2002.



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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

**INVENTOR:** Pearce

**SERIAL NO.:** 09/932,393

**FILED:** August 17, 2001

**TITLE:** CUSHIONS WITH NON-INTERSECTING COLUMNAR  
ELASTOMERIC MEMBRS EXHIBITING COMPRESSION  
INSTABILITY

**DOCKET:** 5050.1 P

Assistant Commissioner for Patents  
Washington, DC 20231

**MARKED UP COPY  
OF PARAGRAPH 11**

[0011] As an introductory matter, the reader may find it helpful to be informed of materials which may be used to fabricate the structures of the invention. Any elastomeric material which tends to compress under a load can be used as a material to make the cushions and cushion elements of the invention. Such materials include natural and synthetic rubbers, foams, thermoplastic elastomers, polyurethane elastomers, silicone elastomers, polyvinyl chloride (PVC) elastomers, olefinic elastomers, polyamide elastomers, and the like. Superior performance has been achieved by the inventor when gelatinous elastomers which are substantially non-flowable at room temperature (below 130 degrees Fahrenheit) are used. Such gels are disclosed in U.S. Patent No. 5,994,450 which is hereby incorporated by reference. Alternative gels, which the inventor considers inferior due to their high tack, excessive oil bleed and low durability, have been patented in the name of John Y. Chen of Applied Elastomerics, Inc. Examples of such gels may be found in U.S. Patent Nos. 6,161,555; 6,148,830; 6,117,176; 6,050,871; 6,033,283; 5,962,572; 5,938,499; 5,884,639; 5,868,597; 5,760,117; 5,655,947; 5,633,286; 5,624,294; 5,508,334; 5,475,890; 5,336,708; 5,334,222; 5,324,222; 5,262,468; 5,260,371; 5,239,723; 5,153,254; 4,618,213; and 4,369,284.

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Washington, DC 20231

**REPLACEMENT COPY  
OF PARAGRAPH 11**

al

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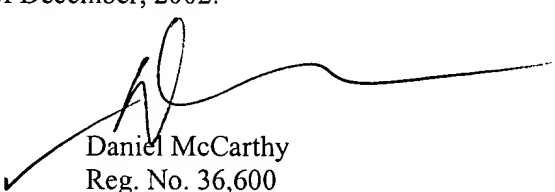
Assistant Commissioner for Patents  
Washington, DC 20231

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**CERTIFICATE OF MAILING**

Honorable Assistant Commissioner:

I hereby certify that the attached Amendment is being submitted by first class mail in an envelope addressed to "Assistant Commissioner for Patents, Washington, DC 20231" with sufficient postage prepaid on this 27<sup>th</sup> day of December, 2002.

  
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